Introduced by Assembly Member Torres

February 18, 2009

An act to amend Sections 12000 and 12001 of, and to add Chapter 4.5 (commencing with Section 1550) to Part 2 of Division 1 of Title 1 of, the Education Code, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as introduced, Torres. Education finance: county offices of education.

(1) Existing law establishes a system of public elementary and secondary schools in this state. Under this system, local educational agencies, which include school districts and county offices of education, have numerous responsibilities relating to the operation of schools and the instruction of pupils.

This bill would express findings and declarations of the Legislature relating to the funding of county offices of education. The bill would require, notwithstanding any other provision of law, the Superintendent of Public Instruction to ensure that each county office of education be eligible for any funding opportunity that would benefit pupils, parents or caregivers, or educators and that would be available to a school district in circumstances that are substantially similar to those pertaining to that county office of education.

(2) Existing law requires the State Board of Education to direct the allocation and apportionment of federal funds to local education agencies. Existing law also requires the state board to adopt rules and regulations for the allocation of federal funds to local school districts

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and other agencies entitled to receive federal funds for the support of schools.

This bill would amend these provisions to refer to local educational agencies, as defined to specify that county offices of education are included within the scope of this definition.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.5 (commencing with Section 1550) is added to Part 2 of Division 1 of Title 1 of the Education Code, to read:

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Chapter 4.5. Funding Equity for County Offices of Education

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- 1550. (a) The Legislature finds and declares all of the following:
- (1) County offices of education, which are established pursuant to Article IV of the California Constitution, serve a multitude of educational needs in their respective regions across the state.
- (2) Many county offices of education have the dual role of business and education service provider for school districts and as direct education provider for pupils with special needs or who are at risk of failure in school.
- (3) The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children with the skills necessary to become productive members of our society irrespective of ability or status as an adjudicated or foster youth.
- (4) County offices of education may be purposely excluded from, or are not always considered to be eligible for, various funding streams established to benefit pupils, parents or caregivers, and educators, even though they are the presumed local educational agency to serve certain pupils.
- (5) Children who are served by county offices of education have the most to gain through the provision, to the county offices, of equitable and equal access to grants and other funds that are provided to school districts.

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(b) In accordance with the findings and declarations set forth in subdivision (a), the Superintendent shall ensure that each county office of education shall be eligible for any funding opportunity that would benefit pupils, parents or caregivers, or educators and that would be available to a school district in circumstances that are substantially similar to those pertaining to that county office of education, unless the exclusion of a county office of education would be required by statute.

SEC. 2. Section 12000 of the Education Code is amended to read:

12000. (a) Whenever, by any act of Congress, funds are provided as federal aid to education to the several states and the disposition of the funds is not otherwise provided for by or under the act of Congress or by or under any law of this state, the apportionment and distribution—thereof of those funds to—school districts local educational agencies shall, insofar as consistent with the requirements prescribed by the federal law and implementing rules and regulations, be governed by the standards set forth in this article.

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- (b) Whenever a federal law designates a state education agency or other agency or officer primarily responsible for state supervision of public schools,—such that designation shall be deemed to refer to the State Board of Education. The State Board of Education shall make timely application for any federal funds made available, and shall, pursuant to the federal law and—the provisions of this article, direct the allocation and apportionment of the federal funds to local—education educational agencies.
- (c) As used in this article, "local educational agencies" include, but are not necessarily limited to, school districts and county offices of education.
- SEC. 3. Section 12001 of the Education Code is amended to read:
- 12001. The State Board of Education shall adopt rules and regulations for the allocation of federal funds to local—school districts and other educational agencies entitled to receive federal funds for the support of schools. In determining the rules and regulations by which—such those allocations are to be made, the State Board of Education shall consider all factors of local effort and all educational programs maintained by—such those agencies.

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- 1 Such-The rules and regulations adopted pursuant to this section
- 2 shall be based upon need, and the agencies' state board shall
- 3 carefully scrutinize the abilities and efforts shall be carefully
- 4 scrutinized of the affected local educational agencies.